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Letter dated 20 February 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached fifth report from Singapore submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

06-25352 (E) 100306

Annex

Letter dated 15 February 2006 from the Permanent Representative of Singapore to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

Please refer to your letter dated 16 November 2005, in which you requested further information from the Singapore Government on the questions and comments raised in sections 1 and 2 of the letter on the implementation of Security Council resolutions 1373 (2001) and 1645 (2005). In this regard, I am pleased to submit herewith Singapore's fifth report (see enclosure).

(*Signed*) Vanu Gopala **Menon**
Ambassador Extraordinary and Plenipotentiary

Enclosure

Singapore's response to the request by the Counter-Terrorism Committee for Singapore's fifth report

1. Implementation measures

Protection of the financial system

1.1 The Committee notes that Singapore has set up a financial intelligence unit (FIU), the Suspicious Transactions Reporting office, under the Commercial Affairs Department. The Committee would appreciate additional information on the structure of this Office, including the number of analysts, their background or expertise, the manner in which suspicious transaction reports *(STRs)* are disseminated, and the Office's independence, autonomy and ability fully to perform its functions. How is the confidentiality of STRs secured?

Singapore's response

The Suspicious Transaction Reporting Office (STRO) is a Branch of the Financial Investigation Division of Commercial Affairs Department, Singapore Police Force (CAD, SPF). The Financial Investigation Division is in charge of enforcing the Anti-Money Laundering/Counter Terrorism Financing (AML/CFT) regime in Singapore. STRO has more than 10 officers, most of whom are graduates in relevant fields.

STRO is divided into three teams. Two are Analysis teams while the third team is the External Liaison Team, which conducts outreach programmes to the financial sector to spread awareness of the AML/CFT regime and to encourage an increase in the quantity and quality of Suspicious Transaction Reports (STR). This team also negotiates MOUs with STRO's counterparts for the exchange of financial intelligence information for the purposes of combating money laundering and terrorism financing. STRO has to-date signed 7 MOUs with the FIUs of Australia, Belgium, Brazil, Canada, Greece, Japan, and USA.

As STRO is a Police unit, STRO officers are able to perform investigations into suspicious transactions. If the offence detected is not within the purview of the Commercial Affairs Department, or if another

agency already has an ongoing investigation against an STR suspect, then STRO will refer the matter to the relevant agency.

Since its formation in January 2000, STRO has successfully detected a myriad of criminal offences from the analysis of STRs, including several very high profile cases in Singapore. Thus far, a total of SGD80 million has been seized as proceeds of crime.

Confidentiality of STRs is secured under legislation by section 56 of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act [CDSA]. In addition, there are also internal controls within STRO to ensure confidentiality of the STRs received.

1.2 In that regard, the Committee would also like to know whether Singapore can impose administrative or criminal sanctions for failure to report suspicious transactions.

Singapore response

Under the Monetary Authority of Singapore (MAS) Notice 626, every bank is required to institute an internal procedure for dealing with and reporting suspicious transactions, and to ensure that its entire staff is made aware of their personal obligation to do so. In addition, all banks are required to implement internal policies, procedures and controls to mitigate the risks of money laundering and terrorist financing. Similar requirements exist in Notices issued to other parts of the financial sector supervised by the MAS such as the insurance and capital markets. Failure to comply with these requirements may result in administrative sanctions and/or penalties by the MAS.

In addition, section 39(2) of the CDSA also stipulates that the punishment for failing to report a suspicious transaction is a fine of up to $10,000.

1.3 The Committee notes that in Singapore, all remittance agents must be licensed by the Monetary Authority of Singapore (MAS).

- **Does Singapore recognize any alternative funds transfer systems, such as "Hawala", which it is difficult for the MAS to monitor? If so, how many such informal funds transfer agencies are believed to exist?**

Singapore's response

Under Singapore law, all persons who operate a remittance business (other than a bank, merchant bank or finance companies, who are already regulated by the MAS) must obtain a licence from MAS. The remittance industry is as a whole a regulated industry, and a person who operates a remittance business (by whatever name it may be called) without a licence commits an offence. Illegal remittance activities are referred to the relevant law enforcement agency for investigation and prosecution. So far, between 1999 and 2005, 32 unlicensed remittance agents have been prosecuted by our law enforcement authorities.

- **How many funds remittance and transfer services are registered and/or licensed in your country?**

Singapore's response

As at 30 September 2005, there were 99 remittance licensees.

- **What is the penalty for failing to register or to obtain a license?**

Singapore's response

Any person conducting remittance business without a valid licence is liable on conviction to a fine not exceeding S$50,000 or to imprisonment for a term not exceeding 2 years, or to both. Following recent amendments to the Money Changing & Remittance Businesses Act (MCRBA), the maximum fine was raised to S$100,000 with effect from 1 November 2005. To date, MAS has fined a number of remittance business licensees for breaching the MCRBA, for various offences such as failure to maintain complete records, or failure to maintain a customer's account for deposit of funds for remittance purpose.

Criminalization and criminal procedures

1.4 The Committee is aware that with respect to money laundering, Singapore appears to have stringent administrative control of its financial institutions. However, the Committee would be grateful for further clarification of the legislation which criminalizes money laundering, including the extent to which predicate offences are covered under this legislation.

Singapore's response

The main anti-money laundering legislation is the CDSA. Drug Trafficking and 184 other serious offences are predicate offences under the CDSA. A detailed listing of these offences is found at The First and Second Schedules of the Act.

1.5 With regard to the freezing of funds, prescribed by paragraph 1 (c) of resolution 1373(2001), the Committee would appreciate information (including reference to specific provisions of your legislation) on the way in which Singapore's authorities expeditiously seize or freeze suspicious *funds* in the course of criminal investigations. Does Singapore have a separate authority or agency responsible for seizing and confiscating terrorism-related assets? If so, the Committee would appreciate an outline of the functions of this authority or agency.

Singapore's response

The "freezing" of criminal assets is provided for under section 16 of the CDSA. The High Court may issue a restraint order, on an ex-parte basis, to prohibit any person from dealing with the property. Terrorist assets may also be seized, frozen or confiscated under sections 11 & 12 of the Terrorism (Suppression of Financing) Act.

In terms of law enforcement, the Financial Investigation Division of the CAD, SPF, is responsible for anti-money laundering and countering financing of terrorism matters. FID has three units, the Financial Investigation Branch (FIB), the Proceeds of Crime Unit (PCU) and STRO. FIB is responsible for money laundering and terrorism financing investigations. For terrorism financing, FIB, together with the department responsible for terrorism investigation, the Internal Security Department

(ISD) of the Ministry of Home Affairs, investigates and analyses financial transactions to uncover connections to terrorists or terrorists' properties.

1.6 The Committee welcomes the information that Singapore has become a party to the International Convention for the Suppression of the Financing of Terrorism. Pursuant to article 5 of the Convention, states should take measures to ensure that legal entities can be held liable when a person responsible for their management or control has, in that capacity, committed an offence set forth in article 2 of the Convention, The Committee would appreciate further information on Singapore's implementation of that provision.

Singapore's response

Under section 2(1) of Interpretation Act, "person" is defined to also include company or association or body of persons, whether corporate or unincorporate. As such, any company which commits an offence under Terrorism Suppression of Financing Act (TSOFA) can be charged under the Act.

Furthermore, section 35 of our Terrorism (Suppression of Financing) Act (Cap. 523) is also intended to implement Article 5 of the Convention. Accordingly, Section 35 reads:

"Offences by body corporate

35. Where an offence under this Act has been committed by a company, firm, society or other body of persons, any person who, at the time of the commission of the offence, was a director, manager, secretary or other similar officer or a partner of the company, firm, society or other body of persons or was purporting to act in any such capacity, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly unless he proves that —

(a) the offence was committed without his consent or connivance; and

(b) he had exercised all such due diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances."

1.7 Does Singapore have a witness protection programme? If so, please provide details.

Singapore's response

Singapore does not have a witness protection programme.

Criminal investigation

1.8 Does Singapore have special investigative teams for terrorism-related offences? The Committee would be also grateful to know, without compromising any sensitive information, what kind of special investigation techniques, such as interception of communications on the Internet and other communication facilities, are used in conducting undercover operations, tracking the funds of criminal groups and breaking the chain of communication in terrorist groups.

Singapore's response

The Singapore Police Force and the Internal Security Department are responsible for investigation of terrorism-related offences.

International cooperation in criminal matters

1.9 Paragraph 1 (e) of resolution 1373 (2001) provides that all States shall ensure that any person who participates in terrorist acts is brought to justice. The Committee has already received a general outline of Singapore's mechanisms for extradition and mutual legal assistance. However, it would like to know how many extradition treaties and memorandums of understanding concerning mutual legal assistance Singapore has signed, and with which countries.

Singapore's response

Singapore has extradition treaties in force with the United States, Germany and Hong Kong. Singapore also has extradition arrangements in force with 40 Commonwealth countries and territories pursuant to the London Scheme for Extradition within the Commonwealth.

Singapore has mutual legal assistance treaties in force with Hong Kong, India, Malaysia and Vietnam. Singapore was the first country to ratify (in 2005) the regional mutual legal assistance treaty which has been signed by 10 South-East Asian countries. To date, Singapore, Malaysia and Vietnam have ratified the regional treaty.

In January 2006, the Minister for Law tabled before the Singapore Parliament an Amendment Bill to the Mutual Assistance in Criminal Matters Act (MACMA), that will allow the Singapore authorities to provide, on a case by case basis, coercive forms of mutual legal assistance to a requesting country which does not have a mutual legal assistance treaty in force with Singapore, if that country provides an undertaking that it will comply with a future request by Singapore for similar assistance involving a similar offence. Once the Bill has been passed by Parliament and brought into force, Singapore will be able to provide mutual legal assistance to requesting States for terrorism related offences, in accordance with the provisions of MACMA, even in the absence of a treaty.

1.10 The Committee would also like to know how Singapore would deal with a request for the extradition of a national of a State with which it had no extradition treaty who had committed terrorist acts abroad.

Singapore's response

If the requesting country is one of the 40 Commonwealth countries or territories with whom extradition arrangements exist under the London Scheme, Singapore will be able to extradite the fugitive to the requesting country for a terrorism related offence in the absence of a treaty.

If the requesting country is not a Commonwealth country and there is no extradition treaty in force with the requesting country, Singapore will nonetheless be able to extradite the fugitive to the requesting country, in the absence of an extradition treaty, if the country is a party to the following international anti-terrorism Conventions and the offence in question is a Convention offence:

a The Convention for the Suppression of Unlawful Seizure of Aircraft signed at The Hague on 16th December 1970,

b. *The Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal on 23rd September 1971.*

c. *The Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation signed at Montreal on 24th February 1988.*

d. *The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation done in Rome on 10th March 1988.*

e. *The International Convention for the Suppression of the Financing of Terrorism adopted by the General Assembly of the United Nations on 9th December 1999.*

1.11 The Committee notes Singapore's expeditious adoption of two major measures: the United Nations Act and the United Nations Regulations, with a view to the effective implementation of resolution 1373 (2001). However, in light of the provisions of paragraph 3 (d) of the resolution, the Committee would be grateful to know whether Singapore plans to ratify the five international counter-terrorism conventions and protocols to which it is not yet a party and whether assistance is needed in that regard.

Singapore's response

Singapore is committed to become a Party to the remaining counter-terrorism conventions and protocols. The relevant domestic agencies are working on the process of enacting appropriate implementing legislation and procedures to give effect to the referred international anti-terrorism conventions and protocols in our domestic law, so that Singapore can effectively implement the conventions and protocols once we become a party to them. Singapore appreciates the offer of assistance to enable us to become party to the remaining international conventions and protocols relating to terrorism. Singapore will avail itself of such assistance as and when it is deemed necessary.

Border and immigration control

1.12 The Committee would appreciate information on measures to prevent and detect the forgery of travel documents.

Singapore's response

Singapore conducts stringent checks at the land, air and sea borders to detect and prevent entry of persons holding forged travel documents. Singapore has developed an integrated traveller screening system with capabilities to detect irregularities in travel documents presented for clearance by travellers. Officers who have undergone training in passport forgery detection and document verification machines are deployed to aid other officers to scrutinise and detect tampered travel documents.

1.13 In relation to border and immigration controls, is there a method for communicating lookouts for wanted or suspected terrorists to immigration authorities at various points of entry? Does this method include International Criminal Police Organization (Interpol) information on Red Notices (for arrest) and Blue Notices (for location)? If so, how is this done?

Singapore's response

The current traveller screening system at the various points of entry has the capability for officers to perform on-line screening of travellers against the database of undesirable persons. Information received on UNSCR targets is listed at the immigration checkpoints to enable detection. In addition, Singapore also works closely with regional enforcement agencies on information and intelligence sharing and development for effective border control. Where regards information provided by the Interpol, Interpol Singapore transmits information on Red and Blue Notices to the relevant enforcement agencies for their action.

1.14 **Has Singapore introduced an Advance Passenger Information System (APIS), under which airlines provide information on their passengers and crew prior to arrival of the aircraft in Singapore so that it can be checked automatically against blacklists in the possession of the relevant government authorities?**

Singapore's response

Singapore has not introduced an API system and is conducting a feasibility study.

2. Implementation of resolution 1624 (2005)

Paragraph 1

2.1 **What measures does Singapore have in place to prohibit by law and to prevent incitement to commit a terrorist act or acts? What further steps, if any, are under consideration?**

Singapore's response

The relevant Singapore agencies are still studying the issue and the requisite legislation.

2.2 **What measures does Singapore take to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts?**

Singapore's response

Singapore maintains a blacklist of the names and particulars of terrorist suspects compiled through, inter alia, our investigation findings, intelligence exchanges with foreign counterparts and UN listings. The data of in-bound visitors are checked against this blacklist at the checkpoints and those who have a match against the blacklist are dealt with accordingly. Singapore also imposes immigration requirements that necessitate the application for immigration facilities such as for a Professional Visit Pass to enter Singapore.

Paragraph 2

2.3 **How does Singapore cooperate with other States in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures?**

Singapore's response

Singapore actively shares intelligence with many countries on terrorism issues. This includes information on terrorist identities, movement and travel documents, so that terrorists are denied entry to as many countries as possible. Singapore has also developed and deployed a high-speed scanning system that helps to detect fraudulent passports at the checkpoints.

At the same time, Singapore will soon be implementing the biometric passport which will help to reduce incidents of fraudulent passport usage. Singapore's Biometric Passport, or the Biopass in short, will be ICAO compliant and incorporate facial and fingerprint information as biometric identifiers. We have also been actively promoting the use of biometric passports in Asia and Europe, so that there will be a common system that will tighten security and border surveillance among the various countries. We believe that biometric passports will enhance detection and interdiction of terrorists and suspects immeasurably.

Paragraph 3

2.4 **What international efforts is Singapore participating in or considering participating in/initiating in order to enhance dialogue and broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of different religions and cultures?**

Singapore's response

Singapore actively participates in various regional and international initiatives aimed at fostering greater understanding and cooperation between and among religions and cultures. For example, Singapore participated in the ***United Nations' Dialogue Among Civilisations*** *initiative, which*

celebrates diversity and introduces a new paradigm of international relations by promoting dialogue among the major world religions and cultures. Singapore also participated in the ***East-West Dialogue****, which was formed to promote dialogue between civilisations and to foster discussion and analysis of the role of interchange between the civilisations of the East and the West. Singapore had also participated in the* ***ASEM Inter-Faith Dialogue*** *initiative, which was held in Bali in July 2005. The purpose of this Dialogue is to foster mutual understanding and respect among the different faiths and religions in Asia and Europe. Through this Dialogue, it is hoped that recommendations can be made to actualise inter-faith harmony within the international community.*

Regionally, Singapore participates in the ***Association of Religious Ministers of Brunei Darussalam, Indonesia, Malaysia, and Singapore (MABIMS)****, which provides a ready platform for the Religious Affairs Ministers of these countries to meet and exchange views on religious affairs. The idea of a regional meeting was first mooted in 1989 in Jeddah, Saudi Arabia. To date, MABIMS have met 11 times. The latest 11th MABIMS meeting, which was themed "Building a Progressive Muslim Community", was hosted in Singapore in 2004 by the Islamic Religious Council of Singapore. This theme was adopted to showcase the model of progressive Islamic living which is in practice and alive in the region, and to counter the perception that Islam is a religion which is static and rigid. One of the ideas endorsed at this meeting was for a MABIMS Religious Directory to be established where member countries will share information on their religious resources. The objective of the directory is to allow the various member countries to tap on the expertise of varied sources to further the discourse of Islam as a religion that promotes inclusiveness, rationality and progress.*

The ***Asia-Middle East Dialogue (AMED)*** *was conceptualised as a platform for engagement and collaboration between Asia and the Middle East. AMED offers a platform for interfaith and intercivilisational dialogues and connects the voices of moderation across both regions. Singapore hosted the inaugural AMED from 20-22 June 2005, and the dialogue process continues with several intersessional activities. Singapore and Jordan jointly co-convened the AMED Working Group on Social, Educational, Scientific, Cultural, Environmental and Media (SESCEM) Issues from 27-29 November 2005 in Singapore to discuss various modalities for interfaith and intercivilisational dialogues. Singapore will be participating in the Working Group meeting on Political and Security Issues to be held from 28 February to 1 March 2006 in Kuala Lumpur which will examine political and security*

developments in Asia and the Middle East as well as strengthening cooperation between the regional blocs against global terrorism.

2.5 What steps is Singapore taking to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters?

Singapore's response

The Singapore Government has launched several community-based initiatives in recent years to prevent the subversion of educational, cultural and religious institutions by terrorists and their supporters. The measures adopted in this regard include the following:

- *In 2002,* ***Inter-Racial Confidence Circles (IRCCs)*** *and* ***Harmony Circles*** *(HCs) were established. The broad objectives of the IRCCs and HCs are to promote better inter-racial and inter-religious understanding among the different communities both at the constituency level, as well as in schools, workplaces and other local organisations respectively. The IRCCs provide a regular platform for leaders of the various racial and religious communities to interact and get to know one another better. This builds confidence, friendship and trust among them. A National Steering Committee on IRCCs provides broad guidance for IRCCs to deepen inter-racial and inter-religious rapport within the community. The IRCCs facilitate the formation of HCs, which serve to spread the inter-racial and inter-religious confidence-building efforts more extensively at the ground level. While the IRCCs serve as the harmony architects by developing strategies and initiatives, the HCs serve as the harmony builders by organising activities.*

- *Singapore adopted the* ***Declaration of Religious Harmony*** *in June 2003 to affirm the values that have helped to maintain religious harmony in Singapore, and to serve as a reminder of the need for continued efforts to develop stronger bonds across faiths. Representatives of the main religious groups in Singapore who participated in the consultation exercise prior to the adoption of the Declaration subsequently found it useful to maintain a network to continue promoting the Declaration. As a result, the* ***Inter-Religious***

Harmony Circle (IRHC) *was established to act as a consultation forum to guide efforts to promote the spirit of the Declaration.*

- *The grassroots* ***People's Association*** *(PA) also supports and promotes interaction between individuals from different ethnic communities through activities organised by the Community Development Councils (CDCs), community clubs, and residents' committees, in which local residents from all ethnic backgrounds participate.*

Paragraph 4

2.6 What is Singapore doing to ensure that any measures taken to implement paragraphs 1, 2 and 3 of resolution 1624 (2005) comply with all of its obligations under international law, in particular international human rights law, refugee law, and humanitarian law?

Singapore's response

Singapore has always ensured that all the measures that are implemented are in accordance with our domestic laws and international agreements that we are party to.

3. Assistance and guidance

3.1 The Committee wishes to emphasize once more the importance that it attaches to the provision of assistance and advice in connection with the implementation of the resolutions.

3.2 The Committee's Directory of Assistance (www.un.org/sc/ctc) is frequently updated to include new relevant information on available assistance. The Committee would appreciate receiving information from Singapore concerning areas where it might be in a position to provide assistance to other States in relation to the implementation of the resolutions.

Singapore's response

Singapore recognises that no single country can to counter the threat of terrorism successfully on its own. Instead, all countries should pool their resources and expertise together in efforts to fight this common threat. Singapore will try its best respond to requests for assistance.

3.3 **The Committee wishes to maintain and develop the constructive dialogue that is already established with Singapore in relation to this priority area. If Singapore feels that it could benefit from discussing aspects of the implementation of the resolution with the Committee's experts, it is welcome to contact them as mentioned in paragraph 4.1 below.**

4. **Further guidance and submission of further report**

4.1 **The Committee and its Executive Director stand ready to provide further clarification to Singapore on any of the matters raised in this letter. The Executive director can be contacted through Ms. Elena Rigacci Hay (telephone: +1 212 457 1733; fax: +1 212 457 4041; e-mail: cted@un.org). In addition, the Committee, through its Executive Directorate, may contact Singapore's competent authorities to discuss any further matters related to the implementation of the resolution.**

4.2 **The Committee would be grateful to receive from Singapore further information on the questions and comments raised in Section 1 and 2 of this letter on 'implementation measures' by 16 February 2005. As with previous reports, it is the intention of the Committee to circulate the further report as a document of the Security Council. It is open to Singapore, if desired, to submit a confidential annex to the report for the attention of the Committee members only.**

4.3 **The Committee may, in a future stage of its work, have further comments or questions for Singapore arising from other aspects of the resolution, It would be grateful to be kept informed of all relevant developments regarding the implementation of the resolution by Singapore.**